

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC-SDNY
DOCUMENT
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DATE FILED: 10/05/2021

TYSHA TURNER,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

No. 21-CV-0009 (RA)

ORDER

RONNIE ABRAMS, United States District Judge:

On January 4, 2021, Plaintiff Tysha Turner filed a complaint against the Commissioner of Social Security. The next day, the Clerk of Court filed on the docket the standing order in social security cases, which ordered Defendant to file a certified transcript of administrative proceedings within 90 days of service.

On April 27, 2021, the Court ordered Plaintiff to file proof of service on the docket. Dkt, 10. Plaintiff promptly filed an affidavit of service, indicating that she had served a copy of the summons and complaint by certified mail upon the Office of the Regional Chief Counsel for the Social Security Administration on January 20, 2021. Dkt 11. On May 3, 2021, having not received the administrative record, the Court ordered Defendant to appear or otherwise respond to the complaint by May 24, 2021. Dkt. 12. Defendant did not do so. It remained unclear, however, whether Plaintiff had effected service on the United States Attorney's Office as required by Federal Rule of Civil Procedure 4(i)(1)(A). *See also* Fed. R. Civ. P. 12(a)(2) (United States agency answer deadline triggered by "service on the United States attorney"). Accordingly, on August 4, 2021,

the Court ordered Plaintiff to file on the docket proof of service of the summons, complaint, and the Court's August 4 Order on the United States Attorney's Office. Dkt. 13.

Plaintiff has not responded to that order nor filed such proof of service on the docket. Plaintiff shall do so by November 5, 2021. Failure to comply with this order may result in dismissal of this action for failure to prosecute.

SO ORDERED.

Dated: October 5, 2021
New York, New York



Ronnie Abrams
United States District Judge